

BEFORE THE FLORIDA JUDICIAL QUALIFICATIONS COMMISSION
INQUIRY CONCERNING A

JUDGE, No. 04-239,

JUDGE RICHARD H. ALBRITTON, JR.

Florida Supreme Court

Case No. SC05-851

MOTION TO COMPEL DEPOSITION

COMES NOW the Florida Judicial Qualifications Commission (“JQC”), by and through its Special Counsel, and hereby files its Motion to Compel the Deposition of Judge Albritton, and as grounds therefore, states as follows:

1. The JQC filed its notice of formal charges on May 19, 2005.
2. After numerous requests from the undersigned to set Judge Albritton’s deposition, on November 30, 2005 the JQC filed a Motion to Compel Judge Albritton’s deposition.
3. In an Order dated January 26, 2006, Judge Wolf granted the JQC’s Motion to Compel and ordered Judge Albritton to sit for deposition.
4. Shortly thereafter, Judge Albritton filed a Petition for Review before the entire Hearing Panel and a Motion to Stay Judge Wolf’s Order compelling his deposition until after the Hearing Panel had considered his Petition for review. Judge Albritton’s Petition for Review was entitled “Petition for Review of Order on **Motions** to Compel” and sought to reverse both Judge Wolf’s findings with respect to Judge Albritton’s Motion to Compel production of certain privileged materials and the JQC’s Motion to Compel Judge Albritton’s deposition.

5. On February 9, 2006, Judge Wolf entered an order granting Judge Albritton's Motion to Stay "until such time as the full Hearing Panel rules on the Petition for Review."

6. On March 14, 2006, the full Hearing Panel denied Judge Albritton's Petition for Review.

7. On March 16, 2006, the undersigned sent the JQC's **eighth** written request to Judge Albritton's counsel to set Judge Albritton's deposition.

8. That same day, Judge Albritton's counsel responded to the undersigned's eighth request and stated that he believed that the stay of Judge Wolf's Motion to Compel remained in effect and that Judge Albritton would not appear for a deposition.

9. The Hearing Panel ruled on Judge Albritton's Petition for Review and denied it, affirming both of Judge Wolf's prior orders. By its own terms, the stay of Judge Wolf's Order Compelling Judge Albritton's deposition has now been dissolved. There can be no grounds upon which Judge Albritton can continue to refuse to sit for his deposition in this matter.

For the foregoing reasons, the JQC respectfully requests this Court to order Judge Albritton to comply with the JQC's Order that he submit to a deposition.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by
United States Mail this ____ day of March, 2006 to:

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